

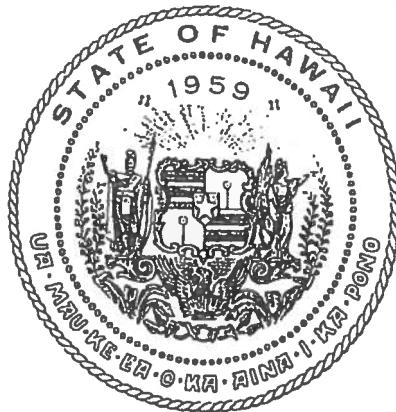
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FIREARMS AND AMMUNITION

§133-4 Exceptions. This chapter shall not apply to the armed forces of the United States, the national guard, or employees of the United States or of the State or its political subdivisions who are authorized by the United States or the State or its political subdivisions to handle explosives. [L 1941, c 326, pt of §1; RL 1945, §4954; RL 1955, §184-36]

§133-5 Appeals. An appeal may be taken from any action of the fire marshal or of any officer authorized to act hereunder to the circuit court of the first judicial circuit, [L 1941, c 326, pt of §1; RL 1945, §4955; am L 1953, c 138, §1 (3); RL 1955, §184-37]

Cross References

Appeal procedure, see chapter 91.

Rules of Court

Appeal, see HRCP rule 72.

§133-6 Violations; penalty. Any person who violates any provision of this chapter shall be fined not more than \$500, or imprisoned not more than six months, or both. [L 1941, c 326, pt of §1; RL 1945, §4956; RL 1955, §184-38]

CHAPTER 134 FIREARMS AND AMMUNITION

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Sec. 134-1 PUBLIC SAFETY AND INTERNAL SECURITY**PART I. GENERAL REGULATIONS****§134-1 Definitions.** As used in this chapter:

"Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in sections 724-4, 724-5 and 724-6.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas. [L Sp 1933, c 26, §2; RL 1935, §2540; RL 1945, §7181; am L 1955, c 54, §1; RL 1955, §157-1]

Revision note

Reference to HRS 724-6 added to reflect amendment to HRS 724-5 by L 1967, c 243.

§134-2 Registration, mandatory. Every person arriving in the State who brings with him firearms of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within ten days after the end of each month the respective chiefs of police shall furnish to the department duplicate copies of all registrations made during the preceding month.

No fee shall be charged for the registration.

Any person who fails to comply with this section shall be fined not more than \$250. [L Sp 1933, c 26, §3; RL 1935, §2541; am L 1939, c 104, § 7; am L Sp 1941, c 78, §1; am L 1943, c 62, §21 and c 64, § 22; RL 1945, §7182; RL 1955, §157-2; am L Sp 1959 2d, c 1, §13]

§134-3 Permits to acquire; registration; penalty. No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique,

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registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; provided, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of same. Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not the owner has consented to its possession, without a permit from the chief of police of the aforesaid county; provided, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though he be a minor, upon a target range, for a period not longer than to allow the other person to then and there use it for target shooting, without a permit.

Each chief of police may issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of twenty years or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien had first procured a hunting license under sections 191-1 to 191-6.

Applications for the permits shall be signed by the applicant upon forms to be specified by the department of the attorney general and shall be signed by the issuing authority. One copy of the permit shall be retained by the issuing authority, as a permanent official record. The permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided, the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight or otherwise, from sources without the State, the person to whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with this section.

Any person acquiring a firearm under this section shall, within five days of acquisition, register it in the manner prescribed by section 134-2.

No fee shall be charged for permits under this section.

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Any person who violates this section shall be fined not more than \$500 or imprisoned not more than one year, or both. [L Sp 1933, c 26, §4; RL 1935, §2542; am L 1939, c 104, § 7; am L Sp 1941, c 78, §2; am L 1943, c 62, §21 and c 64, §22; RL 1945, §7183; am L 1949, c 192, §1; am L Sp 1949, c 24, § 1; am L 1951, c 304, §1; am L 1953, c 262, §1; RL 1955, § 157-3; am L Sp 1959 2d, c 1, §13; am L 1961, c 14, §2]

§134-4 Transfer of rifles and shotguns. No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of twenty years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 134-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 191-6 and a firearms permit under section 134-3.

Any person who violates this section shall be fined not more than \$500 or imprisoned not more than one year, or both. [L 1951, c 304, §2; am L 1955, c 68, §1; RL 1955, §157-4; am L 1961, c 14, §3]

§134-5 Possession by licensed hunters and minors. Any person of the age of sixteen years or over, and any person under the age of sixteen years while accompanied by an adult, who has procured a hunting license under sections 191-1 to 191-6, may, while actually engaged in hunting or while going to and from the place of hunting, or while actually engaged in target shooting upon a target range, carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor. [L Sp 1933, c 26, §5; RL 1935, §2543; RL 1945, §7184; am L 1951, c 304, §3; RL 1955, §157-5]

Cross References

Issuance of hunting licenses, see §191-2.

§134-6 Place to keep firearms; loaded firearms, when prohibited. Except as provided in sections 134-5 and 134-9, the possession of all firearms and ammunition shall be confined to the possessor's place of business, residence, or sojourn, but it shall be lawful to carry firearms or ammunition, or both, in a wrapper or other suitable container from the place of purchase to the purchaser's home, place of business, or place of sojourn, or between these places upon change of place of business, abode, or sojourn, or between these places and a place of repair or a target range.

It shall be unlawful for any person to have in his possession or to carry on any public highway any firearm loaded with ammunition; provided that the provisions of this paragraph shall not apply to any person who has in his possession or carries a pistol or revolver and

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ammunition therefor in accordance with a license or permit issued, as provided in section 134-9. [L Sp 1933, c 26, pt of §6; RL 1935, §2544; RL 1945, § 7185; RL 1955, §157-6; am L 1957, c 300, §1]

§134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed or attempted a crime of violence, or of the illegal use, possession, or sale of narcotics, shall own, or have in his possession, or under his control any firearm or ammunition therefor.

(c) Any person violating this section or section 134-6 shall be fined not more than \$1,000 or imprisoned not more than one year, or both. [L Sp 1933, c 26, pt of §6; RL 1935, §2545; RL 1945, § 7186; am L 1951, c 253, §1; RL 1955, §157-7; am L 1961, c 15, §1]

§134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any bomb or bombshell is prohibited. Any person violating this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both. [L Sp 1933, c 26, §7; RL 1935, §2546; RL 1945, §7187; RL 1955, §157-8]

§134-9 Permits to carry; penalty. In an exceptional case, when the applicant shows reason to fear injury to his person or property, the respective chiefs of police may grant a license to a citizen of the United States or a duly accredited official representative of a foreign nation, of the age of twenty years or more, to carry concealed on his person within the county where the license is granted, a pistol or revolver and ammunition therefor; or where the urgency of the need has been sufficiently indicated to the respective chiefs of police, they may grant to an applicant of good moral character who is a citizen of the United States of the age of twenty years or more, who is engaged in the protection of life and property and not prohibited under section 134-7 from the ownership or possession of a firearm, a license to carry unconcealed on his person within the county where the license is granted, a pistol or revolver. Unless renewed, the license shall automatically become void at the expiration of one year from date of issue. No license shall be issued unless it appears that the applicant is a suitable person to be so licensed, and in no event to a person who is prohibited under section 134-7 from the ownership or possession of a fire-

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arm, or a person adjudged insane or appearing to be mentally deranged. No person shall carry concealed or unconcealed on his person a pistol or revolver without being licensed so to do under this section or in compliance with section 134-6.

For each license there shall be charged a fee of \$10, which shall be deposited in the treasury of the county in which the license is granted.

Any person violating this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both [L Sp 1933, c 26, §8; RL 1935, §2547; RL 1945, §7188; RL 1955, §157-9; am L 1961, c 163, §1]

§134-10 Alteration of identification marks prohibited; penalty. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. Any person who violates this section shall be fined not more than \$500 or imprisoned not more than one year, or both. [L Sp 1933, c 26, §9; RL 1935, §2548; RL 1945, §7189; RL 1955, §157-10]

✓ **§134-11 Exemptions.** Sections 134-6 to 134-9 shall not apply:

- (1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;
- (2) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;
- (3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;
- (4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or his duly authorized representative may enter into compacts with other states to carry out this section.

Nor shall sections 134-2 and 134-3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency. [L Sp 1933, c 26, §11; RL 1935, §2549; am L 1939, c 10, §1; RL 1945, §7190; RL 1955, §157-11; am L 1961, c 65, §§ 1, 2; am L 1963, c 85, §3]

§134-12 Firearms forfeited when. All firearms or ammunition car-

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ried or possessed contrary to law shall be forfeited to the State and shall be destroyed or retained by the chief of police of any county, for use by and under the control of the police department in whose jurisdiction they are forfeited. [L Sp 1933, c 26, §12; RL 1935, §2550; am L 1939, c 104, § 7; am L Sp 1941, c 36, §1; am L 1943, c 62, §21 and c 64, § 22; RL 1945, §7191; RL 1955, §157-12]

§134-13 Revocation of permits. All permits and licenses provided for under this part may be revoked, for good cause, by the issuing authority or by the judge of any court. [L Sp 1933, c 26, §13; RL 1935, §2551; RL 1945, §7192; RL 1955, §157-13]

§134-14 Report. Within ten days after the last day of each month each of the authorities herein authorized to issue or revoke permits and licenses shall make a report to the department of the attorney general as of the last day of the preceding month of all permits and licenses issued or revoked by him. The report shall be in such manner and in such form as the department may prescribe. [L Sp 1933, c 26, §14; RL 1935, §2552; am L Sp 1941, c 78, §3; RL 1945, §7193; RL 1955, §157-14; am L Sp 1959 2d, c 1, §13]

§134-15 Penalty for falsification. If any person, in complying with any of the requirements of this part, gives false information, or offers false evidence of his identity, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both. [L Sp 1933, c 26, §15; RL 1935, §2553; RL 1945, §7194; RL 1955, §157-15]

PART II. FIREARMS, DEALERS' LICENSES

§134-31 License to sell and manufacture firearms; fee. The annual fee for a license to sell and manufacture firearms for sale in the State either at wholesale or retail, shall be \$10. [L 1921, c 13, pt of §1; RL 1925, §2033; RL 1935, §2554; RL 1945, §7195; am L 1953, c 155, §1 (a); RL 1955, §157-30]

§134-32 License to sell and manufacture firearms; conditions. Every license issued pursuant to this part shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:

- (1) That the licensee shall at all times comply with all provisions of law relative to the sale of firearms.
- (2) That the license may during any time of national emergency or crisis, as defined in section 134-34, be canceled or suspended.
- (3) That all firearms in the possession and control of any licensee may at any time of national emergency or crisis, as defined in section 134-34, be seized and held in possession or purchased by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the licensee and the government of the United States or the

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government of the State may agree upon some other disposition of the same. [L 1921, c 13, pt of §1; RL 1925, §2034; RL 1935, §2555; RL 1945, §7196; am L 1953, c 155, §1 (b); RL 1955, §157-31]

§134-33 Punishment for violations of section 134-32. Any person who manufactures or sells any firearms within the State without having a valid license so to do, or who being a holder of a license violates any of the terms or conditions of the same, shall be fined not less than \$100 nor more than \$1,000 or imprisoned not less than three months nor more than one year. [L 1921, c 13, pt of §1; RL 1925, §2036; RL 1935, § 2557; RL 1945, §7198; am L 1953, c 155, §1 (c); am L 1955, c 54, §2; RL 1955, §157-33]

§134-34 National emergency, when. A national emergency or crisis shall be deemed to have arisen when the governor, the commanding general of the United States Army, Pacific, and the commandant of the 14th Naval District and Hawaiian Sea Frontier have, in the exercise of their discretion, so determined. [L 1921, c 13, pt of §1; RL 1925, §2035; RL 1935, §2556; RL 1945, §7197; RL 1955, §157-32]